SUPREME COURT OF THE UNITED STATES.

No. 197.

THE UNITED STATES, APP'T,

vs.

TEODORO GONZALES.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this twenty-eighth day of December, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Teodoro Gonzales, for the place named "Rincon de la Punte del Monte," was presented and ordered to be filed and docketed with No. 502, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *December* 30*th*, 1852.

In case No. 502, Teodoro Gonzales, for the place named "Rincon de la Punta del Monte," the deposition of José Abrego, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with documents marked H. J. T., No. 1 and 2, annexed thereto, was filed.

Vide page 5 of this transcript.

SAN FRANCISCO, *March* 23*d*, 1853.

In the same case, the deposition of Jose Abrego, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

Vide page 6 of this transcript.

SAN FRANCISCO, *August* 1*st*, 1853.

On motion of the United States law agent, case No. 502 was ordered to be placed on the trial docket.

AUGUST 11TH, 1853.

Case No. 502 called: submitted on briefs on both sides, and taken under advisement by the board.

SAN FRANCISCO, *February* 7, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board, confirming the claim.

Vide page 50 of this transcript.

[Petition.]

To the honorable the U. S. land commissioners for the ascertaining and settling of private land claims in California.

The petition of Teodore Gonzalez, a citizen of California, respectfully showeth unto your hon. body, that on the 9th of September, A. D. 1836, he made and presented his petition in writing to the Governor of California, soliciting, for the benefit of himself and of his family, the grant of a piece of land called the Rincon de la Punta del Monte, a description of which will be given hereafter.

That Nicolas Gutierrez, then Governor of said California, referred the whole subject to the ayuntamiento of Monterey, to the administrator of the mission del Soledad, and to the first alcalde of Monterey, to decide whether the land prayed for was free and liable to be granted, and whether the petitioner possessed the necessary qualities to be complied with in his petition.

That all said reports being made in favor of your petitioner, said Governor Gutierrez, on the 20th day of September, 1836, by virtue of the authority vested in him as Constitutional Governor of California, declared your petitioner the owner of said land, and ordered the proper documents constituting title to be executed and delivered to the same.

That such formal grant issued on the same day, to wit, on the 20th Sept., 1836, and was confirmed and approved by the Departmental Assembly, then in session.

And your petitioner further saith, that on the 11th of December, 1840, he obtained from the proper authorities juridic possession of all the lands so granted to him as aforesaid.

And your petitioner further saith, that all the documents relating to this subject, as petition, references, reports, the Governor's concession, together with a copy of the original grant and map, are on file in the archives of California, now in possession of the U. S. Surveyor General for the State of California, and that certified copies of all of them are herewith submitted and prayed to be made a part of this petition; but that the original grant, map, and the documents of juridic possession are in the hands of your petitioner, and ready to be brought in evidence whenever required.

And your petitioner further saith, that the lands so granted to him are described as follows:

They are known as Rincon de la Punta del Monte. They contain about seven Spanish square leagues. They are situated in the present county of Monterey. They are bounded by the lands of Francisco Soto, of Juan Malarin, and, according to the documents of juridic possession, more particularly described as follows: Commencing at a large oak tree between the two houses near the mission de Soledad, running E. N. E. towards the Sauce, situate at the entrance of the cañada, 182 cords of 50 varas each; thence following the same direction to the Alamo, 40 cords of 50 varas

each, being the cañada which forms the boundary line with the land of Juan Malarin; thence E. S. E. to the land of Francisco Soto, 104 cords of 50 varas each; and thence from the alisos at the entrance of the cañada, 40 cords of 50 varas inside of said cañada; thence leaving said cañada and running W. S. W. to the Punta del Monte, 138 cords; thence E. S. E. back to the place of beginning.

And you petitioner further saith, that he has been in the quiet and peaceable possession of said lands since the time of obtaining said grant, exercising at all times full and undisputed ownership over the whole of the same, and is not aware of the existence of any title paramount or superior to his own.

He therefore claims to be the lawful owner of the lands above described, and prays that your honorable body, in consideration of the premises, will confirm and validate his claim and title thereto.

CLARKE, TAYLOR, & BECKH,
Att'ys for Pet'r.

Filed in office Dec. 28th, 1852.

GEO. FISHER, *Sec'y.*

[Deposition of José Abrego.]

SAN FRANCISCO, *Dec. 30th*, 1852.

On this day, before Com'r Harry J. Thornton, came José Abrego, a witness in behalf of the claimant, Teodoro Gonzales, petition No. 502, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

Questions by claimant:

Question 1st. What is your name, age, and place of residence?

Ans. My name is José Abrego, my age is forty years, and my residence in the city of Monterey.

Quest. 2d. Look at the original documents now shown you, one purporting to be the original grant from Nicolas Gutierrez to Teodoro Gonzales of the land called Rincon de la Punta del Monte de la Soledad, and the other purporting to be a record of juridic possession, which said two documents are attached to your deposition, and now filed in this cause, marked exhibits No. 1 and No. 2. State what you know concerning these documents and the signatures, and whether they are genuine.

Ans. I see the documents now shown to me. I know the signatures thereto attached, especially that of Nicolas Gutierrez, attached to the original grant, and I know all of them to be genuine. I know the signatures of Teodoro Gonzalez, David Spence, Guerro Flores, Manuel Castro, Juan Malarin, G. de la Torre, José M. Maldonado, J. B. Alvarado, Estaban Munros, Salvador Munros, José Castro, Rafael Sanches, Catalina Manzanale, Manuel Jimeno,

and Nicolas Gutierrez, and Antonio M'a Osio. They are all genuine signatures.

JOSE ABREGO.

U. S. law agent present.

Sworn to and subscribed before me this 30th of Dec., 1852.

HARRY J. THORNTON,
Com'r, &c.

Filed in office, Dec. 30, 1852.

GEO. FISHER, *Sec'y.*

[Deposition of José Abrego.]

SAN FRANCISCO, *March* 23, 1853.

On this day, before Com'r Hiland Hall, came José Abrego, a witness in behalf of the claimant, Teodoro Gonzalez, petition No. 502, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. law agent was present.

Question by claimant:

Quest. 1st. What is your name, age, and place of residence?

Ans. My name is José Abrego, my age forty years, and I reside at Monterey.

Quest. State what you know in relation to the land petitioned for by Teodoro Gonzalez.

Ans. I have known the same during the last twelve years. It has been in the exclusive possession and occupation of the petitioner during that time—he having lived upon, cultivated, and otherwise improved it during that period, and using it for grazing purposes.

JOSE ABREGO.

Sworn and subscribed before me.

HILAND HALL, *Com'r.*

Filed in office March 23d, 1853.

GEO. FISHER, *Sec'y.*

[Espediente B.]

Espediente.

Promovido por el C. Teodoro Gonzales sobre el terreno nombrado el Rincon de la Punta del Monte de la Soledad. 63.

Sello tercero, 2 reales.

Para los años de mil ochocientos treinta y sies y mil ochocientos treinta y siete.

Monterey, Sep. 9, de 1836. De conformidad con las leyes y re g

lamentos de la materia informe el dy'to de esta capital si el interesado en esta instancia obtiene todos los requisitos p'r ser atendido en su solicitud, si el terreno q'e pretende esta comprendido en las veinte leguas limitrofes o diez letorales q'e espresa la ley de 18 de Ag'to si es de regadio temporal o abrevaders, si pertenece ó la propriedad de algun particular, micion o pueblo con todo lo demas que crea combeniente para illustrar la materia. En cual nerva pesará este esped'te al ex'mo S'or de la Soledad p'a q'o esponga lo q'e ocurre sobre el particular. El S'r Nicolas Gutierrez, l'te coronel, comand'te g'ral de y inspector, gefe superior politico int'o de este terit'o asi lo mando, decreto y firmo de que day fee.

NICOLAS GUTIERREZ,
Por aussit'a del secret'o, Mariano Bonella.

S'or Gefe Superior Politico.

Teodoro Gonzalez, vecino de este puerto y Mejicano por nacimiento, con el debido respeto ante V. S. digo: q'e a consecuencia de hallarme establecido en esta poblacion, cacado y con a los bienes de campo, que solecite y me concedio el paraje nombrado Los Laertes cito en la costa del Carmelo p'o pastorear mi ganado y dedisarseme á mi antigua profecion de agricultura; pero desgraciasam'te la esterilidad del terreno y escacio de sus pastos me poner en el prisaso caso de solecitar otro terreno, mas aproposito e mi ejercicis y grangeria renunciando al caso se me entregue, el que poseo en la esterilidad por los desmojenes q. daño q'e en el sufren mis ganados y siembras. Con este fundam'to q'e procuro en caso q'e me dega pido á V. S. que previos los informes y pruevas q'e tengo á bien se sirva conceder me en absoluta propiedad el parage llamado Rincon de la Punta del Monte i'nviado contra la micion de la Soledad y el Rancho de los Saupnes, colindante con el Rio de Monterey; cuyo terreno aunque esta concedido en parte á Felipe Aguila no ha obtenido la correspondiente confirmacion de la E. Diputacion ni por consigniente se les ha despachado el titulo oportuno. Como me consta por ciencia propia q'e Felipe Aguila no tiene bienes conocidos ni posibilidad de tenerlas por su conducta disipada que le tiene reducido á la clase de jornalero y q'e por otra parte no tiene muger ni hijos, me creo con opinion à solicitar si me prefiere concendiendome el espresado terreno q'e el ha obtenido suprepticam'te como estoy pronto à justificar por los testigos idoneos gubernativa q'e judicialmente segun se me ponga y al tener de este solicitud por lo que A. V. S. suplico y oyendo sobre ella el dictamen de la E. Diputacion, se sirva dar la causa, admitir la provea que ofreso y previne concediendo el indicado terreno cuya longitud V. S. es de tres y media leguas y su anchura de dos como se ve en el adjunto diceño y mandar se me espedio.

Sello tercero, (seal.) Dos reales.

El titulo. (Para los años de mil ochocientos treinta y seis y

mil ochocientos treinta y seite) de propiedad como gracia q'e pido a V. S. en Monterey ó ocho de Setiembre, de mil ochocientos treinta y seis.

TEODORO GONZALEZ.

Monterey, Setiembre 1o, de 1836. En sesion de este dia se mando pasar á la comicion de terrenos baldios p'r el I. Ayuntamiento.

ESTRADA.

JOSE MARIA MALDONADO, *S'rio.*

I. A. La comision de colonizacion, á quien se paso la solicitud q'e hizo el S'or Gefe Politico el C. Teodoro Gonzales sobre que se me conceda el parage nombrado Rincon del Monte ha tomado las informes, que ha creido necesarios y de ella resulta, q'e Felipe Aguila lo tiene solecitado con anterioridad por que este individuo carece de bienes en q. poblar lo con arreglo á lo provenido en la ley de la materia y q'e por lo mismo esta en las facultades del S'or Gefe Politico de negarlo, no haciendo relacion la comicion del C. Vicente Felis por la espresa instancia q'e hace de los chupaderros que pertenesca al terreno en cunta se vé en la foja cuatra frente de este espediente, y teniendo el C. Teodoro Gonzales, los requisitos presenidos para ser atendido en su solecitud puede concedersele á virtud de darlo por denunciado al S'r Gefé Politico en cuya virtud la comicion concluye sujetando á la deliberacion de esta I. corporacion la proposicion signiente. Puede concederse al C. Teodoro Gonzales el parage nombrado Rincon del Monte q'e solecita en razon de tener bienes con q'e poblarlo el C'o Felipe Aguila q'e lo tiene, solicita con autoridad y es tendible á los Chupaderos q'e renuncio el C. Vicente Felis. Monterey, Setiembre 17, de 1836.

BONIFACIO DE MANDENAGA.

SANTIAGO WATSON.

Monterey, Set'e 17, de 1836. En sesion de este dia se dio cuenta con el antecedente dictamen y se aprobo la proposicion en q'e concluye la comicion acordando sirva el informe al S. Gefé Superior Politico y que pase el espediente al mayordomo de la Soledad.

JOSE MARIA ESTRADA.

JOSE MARIA MALDONADO.

Sello tercero, (seal.) Dos reales.

Para los años de mil ochocientos (seal) treinta y seis y mil ochocientos treinta y siete, San Carlos, 20 Sep'e, de 1836, el terreno llamado el Rincon de esta micion no lo ocupa p'a no tener con q'e fomentarlo esta comprendido en las docé leguas litorales y no en los limites limitrofes q'e espresa la ley, es de temporal y se le puede adjudicar al interesado quedando el q'e pase á beneficio de la micion.

P. J. M'A ES DEL REAL.

Sello cuarto, una cuartilla.

Habilitado provicionalmente p'a la administracion de la aduana maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO. [SEAL.]

ANGEL RAMIREZ.

Rehabilitado por el bienis de 1839.

GUTIERREZ.

A. GONZALES.

S'or Gefé Superior Politico.

Vicente Felis, vecino de la jurisdiccion del puerto de Monterey ante la notaria justificacion de V .E. y como mas hago lugar d'ho se presente y dice: q'e teniendo á la vez bienes con q'e poblar el parage llamado las Chupinas de la Soledad que pidio al año pasado, deciste del pedim'to dejando libre la pertenencia q. haga de el quien sea capaz de fomentarlo. Por tanto pido y suplico lo tenga por presentado y lo de por desistido de su en lo que recibire gracia y justicia jurando lo necesario.

Monterey, Setiembre de 7, de 1836.

VICENTE FELIS.

Monterey, Setiembre 7, de 1836. Pase el Señor alcalde 1o de esta capital quien la parte del C. Teodoro Gonzales producirá una informacion de tres testigos idoneos q'e seran interogados sobre los puntos signientes. Primero, si el solecitante es C. Mejicano por nacimiento, si es casado y tiene hijos y si es de buena conducta. Segundo, si el terreno q'e pretende es baldio pertenece á alguno particular, micion o pueblo si es de regadio temporal o abrevadero y la estension q'e tenga. Tercero, si tiene bienes de campo con q'e poblarlo o posibilidad de adquerirlos. Evacuadas estas diligencias vuelva este espediente p'a su resolucion. El C. D'n Nicolas Gutierrez, command'te general y gefe politico del territorio lo mando decreto y firmo de q'e doy fee.

NICOLAS GUTIERREZ.

[Here follows a map or plan. For map, see original, between pages 10 and 11.]

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la administracion de la aduana maritima del puerto de Monterey en el Departamento de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO.

ANGEL RAMIREZ.

Rehabilitado por el bienio de 1835 y 1839.

A. RAMIREZ. GUTIERREZ.

Monterey, Setiembre 20, de 1836. Notifiquese al ciudadano Teodoro Gonzales presente los testigos, que se han de esaminar bajo los puntos q'e se contrahe el superior decreto, q'e antecede. Recivase las informaciones y d'ho. Vuelva el espediente al S'or Gefe Politico para su superior resolucion. Asi yo el alcalde constitutional de 1a nominacion en la demarcacion de esta municipalidad lo decreté, mande y firmé con testigos de asistencia.

JOSE R. ESTRADA.

JOSE MARIA MALDONADO,
MAN'L CRECFE.

En la misma fecha sé notifico el auto que antecede al C. Teodoro Gonzales y de el entendiendose dijo: lo oye y que presenta pá. testigos à los ciudadanos Jose Maria Ramirez, Juan Matarin, y Simeon Castro y lo firmo conmigo y las de acistencia.

JOSE R. ESTRADA.

Assa:
JOSE MARIA MALDONADO.
MANUEL CRESPOL.

En la misma f'ha presente el C. José Maria Ramirez los testigos presentado p'o el interesado, se le recibio juram'to que hizo en forma de d'ho bajo el cual ofrecio decir verdad en lo q'e supiere y fuere preguntado; y siendolo por su nombre, estado edad y vecinedad digo: el lamo como queda referido, q'e es casado de cuarenta y dos años y vecino de este puerto. Preguntado al tenor del interrogatorio q'e se admito en el superior decreto de este dia, digo á lo 1o, q'e el q'e solecita es ciudadano Mejicano por nacimiento, que es casado no tiene hijos y si politicos y es de buena conducta y digo á lo 2o, q'e el terreno q'e pretende no sabe si pertenece á alguna person, nacion, ó pueblo, q'e es de temporal y abrevadero y que su estencion es de tres leguas poco mas ó menos, q'e ambas casas del convenido.

Sello tercero, (seal.) Dos reales.

Habilitado provicionalmente por la administracion de la aduana maritima de puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

De lo preguntado siendo el interesado y q'e lo hé dicho es la verdad á cargo de juram'te q'e tiene hecho y en que se ofrecio y ratifico el solecitud q'e le fue su declaracion y lo firmo conmigo y las de acistencia.

JOSE R. ESTRADA,
JOSE M'A GUTIERREZ.

De assa, JOSE M'A MALDONADO.
MANUEL CRESPO, de assa.

En la misma fecha presente los testigos de este actuacion se le recibi juramento en forma a cargo el cual ofrecio decir verdad en lo q'e supiere y fuere preguntado y siendo lo por su nombre edad, estado y vecinedad digo. Se llama Juan Malarin, q'e es casado de cuarenta y cinco años y vecino de esta municipalidad preguntado. Por el mismo ordén q'e lo fue en anterior digo: á lo 1o q'e es ciud'o Mejicano por nacim'to q'e es casado, no tiene hijos, y su conducta es buena: y responde á lo 2o q'e ignora el contenido de la pregunta es cuanto si pertenece ó algun particular micion o Pueblo pues se lo sabe lo tiene solecitado Felipe Aguila; q'e es de temporal o abrevadero y su estencion de mas de un sitio de ganado mayor y contesta: a lo 3o q'e tiene bienes con q'e poblarlo y q'e lo dicho es la verdad á cargo de juram'to q'e tiene hecho en lo q'e se ofrecio y ratifico lo cual le fue su declaracion y lo firmó conmigo y los de assa.

JOSE R. ESTRADA,
JUAN MALARIN.

De assa, JOSE M'A MALDONADO.
De assa, MANUEL CRESPO.

Incontinente presente el tercero testigo yo el referido alcalde les recibi juramento q'e hizo en forma de derecho bajo el cual ofrecio decir verdad en lo que supiere y fuere preguntado y siendolo por su nombre estado, edad y vecindad, digo; llamado Simeon Castro, q'e es casado de cuarenta y los años y vecino de este puerto: preguntado por el tenor en q'e lo fueron los dos anteriores testigos digo: á lo 1o q'e el que solicita es ciud'o Mejicano por nacimiento que es casado no tiene hijos y es de buena conducta y respondo: á lo 2o que el terreno q'e pretende el C. Gonzales no sabe á quien pertenece mas q'e le solecita el C. Felipe Aguila, q'e es de temporal, abrevadero y en estencion de tres liguas y contesta: a lo 3o q'e tiene bienes de campo con q'e poblarlo y q'e lo d'ho es la verdad en lo q'e se afirmo y ratifico le da q'e le fue su declaracion y lo firmo conmigo y los de mi asistencia

JOSE R. ESTRADA.

SIMEON CASTRO.
JOSE MARIA MALDONADO,
MAN'L CRESPO.
De assa.

Sello tercero. Dos reales.

Para los años de mil ochocientos treinta y seis y mil ochocienta treinta y sieta. Concluydo los informes q'e se mando en auto de este dia se decrelvio este espediente al S. Gefe Politico en 8 fojas utiles y para constancia lo anotó y rubrico.

Monterey, Sept. 20 de Oct'bre, 1836. Vista la peticion con q'e da principio este espediante el informe de la autoridad municipal del R. Padre M'tro de la Micion de San Carlos, la informacion de

los testigos con todo lo demas q'e se tuvo presente y ver conoino de conformidad con las leyes y reglamentos de la materia y atendiendo tambien á la denuncia y juramentos de ellos pa solicitar el terreno.

Sello tercero. Dos reales.

Para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete, "de que se trata, se declara el ciudadano Teodoro Gonzales, dueño en propiedad del nombrado Punto del Monte de la Soledad ó Rincon de la Punta dejandocelas á la aprobacion de la ex'ma deputacion y ecejiendo el interesado el titulo del q'e obtenia nombrado cañada de Los Laureles, sujetandose á las condiciones q'e se estipularen. El S. D. Nicolas Gutierrez, teniente coronel de caballeria, permanente comandante general y gefe superior politico de la California asi lo mando, decreto y firmo. De que doy fee.

NICOLAS GUTIERREZ,
Por ans'a al s'rio Man'l M'a Gonzales.

Monterey, 22 de Mayo, de 1840. Dado cuenta á la E. Junta Departamental, obvido en sesion de hoy ordinaris decreto que pase á las comisiones unidas de agricultura y comercio, José Z. Fernandez. En 25 del mismo le devnelva la comicion.

FERNANDEZ.

Ex'mo Señor:

La comicion de agricultura encargada de dictaminar sobre el espediente pidado por D. Teodoro Gonzales sobre q'e se conceda el parage nombrado Rincon de la Punta del Monte, viste los tramites corridos y los muy favorable informes, lo q'e diéron lugar á la concepcion del solecitado terreno echa. p'r el S'or D. Teodoro Gonzalez, Nicolas Guitierrez, Gefe Superior Politico Interino de este Departamento y en favor del solecitante. La comicion pone á la deliberacion de V. E. los articulos signientes. Art. 1o. Se aprueba la concesion del terreno Rincon de la Punta del Monte echa. por el S'or D'n ciud'o D. Nicolas Gutierrez en favor del ciudadano Teodoro Gonzales. Art. 2o. El presente espediente pasará al Gobierno Departamental, p'a los fines convinientes. Monterey, Mayo 25, de 1840.

JOSE RAFAEL GONZALES.

S. ARGNELLO.

Monterey, 26 de Mayo, de 1840. En secion de este dia se aprobó la E. Junta Departamental los dos articulos con q'e concluye el dictamen anterior.

JOSE Z. FERNANDEZ, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General of the United States for California, and as such now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican territory, a Department of Upper California, do hereby certify that the twenty preceding and hereunto annexed pages of tracing-paper, numbered from one to twenty inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copy of certain documents on file and forming a part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., this 23d day of December, 1852.

SAMUEL D. KING,
Surveyor G'l Cal.

Filed in office Dec. 28th, 1852.

GEO. FISHER,
Sec'y.

Seal of the first class, six dollars.

Authorized provisionally by the maritime custom-house of Monterey for the year 1839 and 1840.

(Sg'd) ANTO. M'A OSIO.

(Signed) ALVARADO.
[CUSTOM-HOUSE SEAL.]

Translation of Espediente C.

S'or political chief.

I, Teodoro Gonzales, a resident of this port, and a Mexican by birth, with due respect, before your excellency, do say, that in consequence of my being established in this town, married, and the owner of some cattle, I solicited and obtained the grant of the place called Los Laureles, situated on the coast of Carmeto, for the purpose of pasturing my cattle and dedicating myself to my former profession of an agriculturist; but unfortunately the sterility of the land and the scarcity of its pasturage place me under the necessity of soliciting another tract of land, more adapted to my profession and to farming purposes, renouncing, in case that it be granted to me, the one which I at present possess, on account of the fruitlessness and damages sustained thereon by my cattle and agricultural labors. With this foundation, which I will prove, should it be required, I request that your excellency, after taking the information and proofs which you may deem necessary, would be pleased

to grant me, in absolute ownership, the place called Rincon de la Punta del Monte, situated between the mission of la Soledad and the rancho of the Zanjones, bounded by the river of Monterey, which land, although it has in part been granted to Felipe Aguila, he has not obtained the corresponding confirmation from the most excellent deputation, nor consequently has the necessary title been given to him. As I know of my own knowledge, that Felipe Aguila has no known property, nor the possibility of obtaining any, on account of his dissipated conduct, which has reduced him to the class of a simple labourer, and on the other hand, as he has no wife nor children, I consider that I have the right to request that I be preferred in having said land granted to me which he is about obtaining subreptitiously, as I am ready to prove by good witnesses, either administratively or judicially, as may be required; and to the tenor of this petition, therefore, I request that your excellency, after hearing the opinion of the most excellent deputation, would be pleased to take the necessary proceedings with respect to said petition, admit the proofs which I offer, and give me the preference by granting me the before mentioned land—the length of which, from north to south, consists of three and a half leagues, and its breadth of two leagues, as appears by the accompanying plot, and that you would order the title of ownership to be made out for me as a favor which I request of your excellency. In Monterey, on the eighth of September, eighteen hundred and thirty six.

TEODORO GONZALEZ.

Monterey, September ninth, eighteen hundred and thirty-six. In conformity with the laws and regulations on the subject, the ayuntamiento of this capital will report whether the party interested in this memorial be possessed of the necessary requirements to be attended to in regard to his petition; whether the land asked for be comprised within the twenty boundary leagues and the ten leagues from the sea-coast mentioned in the law of the 18th of August, 1824; whether it be irrigable, subject to the seasons, or calculated for watering and pasturing cattle; if it belong to the ownership of any private person, mission, corporation, or town; with all the rest which they may deem necessary to illustrate the matter. These steps being taken, this espediente shall be forwarded to the administrator of the Soledad, for him to report what he may have to say on the subject.

Señor Don Nicolas Gutierrez, lieutenant colonel, commandant general, inspector, and superior political chief ad interim of this Territory, did thus command, decree, and sign; whereof I give testimony.

NICOLAS GUTIERREZ,

In the absence of the secretary, Mariano Bonilla.

Monterey, September tenth, eighteen hundred and thirty-six.

In this day's session, the illustrious ayuntamiento ordered this to be referred to the committee on vacant lands.

ESTRADA.

JOSE M'A MALDONADO, *Sec'y*.

Illustrious Ayuntamiento: The committee on colonization, to whom was referred the petition made by citizen Teodoro Gonzalez to the political chief, respecting granting to him the place named Rincon del Monte, has taken the information which has been deemed necessary; wherefore it results that Felipe Aguila asked for it previously, but that this individual does not possess the means of stocking it, in conformity with the requirements of the law on the subject, and that consequently the political chief is authorized to refuse granting it—the committee not making mention of citizen Vicente Felis, on account of the express renouncement which he makes of the chupaderos which belong to the land in question, as appears on the fourth folio of this espediente. And as citizen Teodoro Gonzales possesses the necessary requisites* to be attended to in his petition, it may be granted to him, it having been denounced to the political chief; in virtue whereof, the committee concludes by submitting to the deliberation of this illustrious corporation the following proposition: The place called Rincon del Monte, which citizen Teodoro Gonzalez asks for, may be granted to him, by reason of citizen Felipe Aguila not having sufficient means to stock it, although he asked for it first, and on account of citizen Vicente Felis having renounced the chapaderos. Monterey, September nineteenth, eighteen hundred and thirty-six.

BONIFACIO *MADA*MADARIAGA.

JAMES WATSON.

Monterey, September seventeenth, eighteen hundred and thirty-six. In to-day's session, the foregoing opinion was submitted, and the proposition with which the committee concludes was approved, it being agreed that it should serve as information for the political chief, and that the espediente be forwarded to the mayordomo of the Soledad.

JOSE R. ESTRADA.

JOSE MARIA MALDONADO, *Secretary*.

San Carlos, twentieth of September, eighteen hundred and thirty-six. The land called the Rincon belongs to this mission, but it does not occupy it, (fomentarlo.) It is comprised within the 10 leagues from the sea-coast, but not within the 20 boundary leagues mentioned in the law. It is dependent on the seasons, (de tempo-

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* Henceforward the original testimonial of the espediente is contained on sealed paper of the fourth class.—Note of the translator, W. E. P. Hartnell.

ral,) and may be granted to the party interested, leaving the place which he possesses for the benefit of the mission.

FRIAR JOSE MARIA BEFAGIO SUAROZ DEL REAL.

Señor Superior Political Chief:

Vicente Felis, a resident of the jurisdiction of the port of Monterey, before the well known justice of your excellency, and as the law may best permit, presents himself, and says: That not having at present wherewith to stock the place named los Chupaderos de la Soledad, which he asked for last year, he desists from his petition, leaving it free for any one to solicit who may have the means of stocking or cultivating it, (fomentarlo.) Therefore he begs and requests that your excellency would consider him as presented, and hold him to have desisted from his pretension, whereby he will receive favor, swearing that which is necessary, &c. Monterey, September seventh, eighteen hundred and thirty-six.

VICENTE FELIS.

Monterey, September twentieth, 1836. Let this be referred to the first alcalde of this capital, before whom the party interested, citizen Teodoro Gonzales, will produce the testimony of three competent witnesses, who shall be interrogated on the following points: First, Whether the petitioner be a Mexican citizen by birth; if he be married and have children; if his conduct be good? Second, Whether the land asked for belong to any private person, mission, or town; if it be irrigable, dependent on the seasons, or adapted for pasturing and watering cattle, and what extent it may comprise? Third, Whether he has any cattle or other stock (bienes de campo) wherewith to stock it, or the possibility of obtaining any? These steps being taken, the espediente will be returned to be decided upon. Señor Don Nicolas Gutierrez, commandant general and political chief of the Territory, did thus decree, command, and sign; whereof I give testimony.

NICOLAS GUTIERREZ.

Monterey, September twentieth, eighteen hundred and thirty-six. Let citizen Teodoro Gonzalez be notified to produce the witnesses, who are to be examined on the points referred to in the foregoing superior decree: let the testimony be received; and this being done, let the espediente be returned to the political chief, for his superior determination. Thus I, the constitutional alcalde of first nomination within the jurisdiction of this municipality, did decree, command, and sign with the assisting witnesses.

JOSE R. ESTRADA.

Assisting witness, JOSE M'A MALDONADO.
Assisting witness, MANUEL CRESPO.
Fees four dollars.

On the same date, the foregoing decree was notified to citizen Teodoro Gonzales, who, on being made acquainted therewith, said that he heard it, and presented as witnesses citizens José Maria Ramirez, Juan Malarin, and Simeon Castro, and signed with me and the assisting witnesses.

JOSE R. ESTRADA.

Assisting witness, JOSE MARIA MALDONADO.
Assisting witness, MANUEL CRESPO.

On the same date, citizen José Maria Ramirez, a witness presented by the party interested, being present, the oath was administered to him, which he took in the legal form, in virtue whereof he *prom*promised to tell the truth respecting what he knew and might be asked; and being asked his name, state, age, and residence, he said that his name was the one already mentioned, that he was married, aged forty-two years, and a resident of this port. Being asked, according to the tenor of the interrogatory mentioned in the superior decree of this date, he said, to the first, that the petitioner is a Mexican citizen by birth; that he is married; has no children but step children; that he is of good conduct; and to the second he answered, that the land asked for, he does not know whether it belongs to any person, mission, or pueblo; that it is dependent on the seasons, and adapted for pasturing and watering cattle; that the extent of it is three leagues, a little more or less, in length and two in *breath;* and he answered to the third, that the party interested has both things mentioned in the question; and that what he has said is the truth, in accordance with the oath which he has taken, and which he affirmed and ratified when his declaration was read to him, and he signed with me and the assisting witnesses.

JOSE R. ESTRADA,
JOSE M. RAMIREZ.

Assisting witness, JOSE M. MALDONADO.
Assisting witness, MANUEL CRESPO.

On the same date, the second witness in these proceedings being present, the customary oath was administered to him, in virtue of which he promised to tell the truth respecting what he knew and might be asked; and being asked his name, state, age, and residence, he answered that his name was Juan Malarin, that he is married, is forty-five years of age, and is a resident of this municipality. On being interrogated in the same order as the preceding witness, he answered to the first, that he is a Mexican citizen by birth, that he is married and has no children, and that his conduct is good; and he answered to the second, that he is ignorant of the contents of the question respecting whether the land belongs to any private person, mission, or town, but merely does know that it was asked for by Felipe Aguila; that it is dependent on the seasons, and adapted for pasturing and watering cattle, and comprises more than one

square league, (sitio de ganado mayor;) and answered to the third, that he has cattle (bienes) wherewith to stock it, and that what he has said is the truth, in conformity with the oath which he has taken, which he affirmed and ratified when his declaration was read to him, and he signed it with me and the assisting witnesses.

JOSE R. ESTRADA.

Assisting witness, JOSE M'A MALDONADO.
Assisting witness, MANUEL CRESPO.

JUAN MALARIN.

Immediately afterwards, the third witness being present, I, the said alcalde, administered to him the oath, which he took in legal form, in virtue of which he promised to speak the truth respecting what he knew and might be asked. And being asked his name, state, age, and residence, he said that he was called Simeon Castro, that he is married, fifty-two years of age, and a resident of this port. On being interrogated in the same order as the two preceding witnesses, he answered to the first, that the petitioner is a Mexican citizen by birth; that he is married; has no children; and is of good conduct; and answered to the 2d, that he does not know to whom the land solicited by citizen Gonzalez belongs to, but that it was asked for by citizen Felipe Aguila; that it is dependent on the seasons, and adapted for the pasturing and watering of cattle; and that it is of the extent of three leagues; and answered to the third, that he has cattle wherewith to stock it, and that what he has said is the truth, which he affirmed and ratified when his declaration had been read to him; and he signed with me and the assisting witnesses.

JOSE R. ESTRADA,
SIMEON CASTRO.

Assisting witness, JOSE MARIA MALDONADO.
Assisting witness, MANUEL CRESPO.

The testimony ordered to be taken in the decree of this date being concluded, this espediente is returned to the political chief on eight useful folios. In testimony whereof, I note this down, and sign with my flourish.

(A flourish.)

Monterey, September 20th, eighteen hundred and thirty-six.

In view of the petition which commences this espediente, the report of the municipal authority, that of the reverend father minister of the mission of San Carlos, the testimony of witnesses, and all the rest that was borne in mind and was necessary to be observed in accordance with the laws and regulations on the subject, and in attention likewise to the denouncement and foundation therefore to solicit the land in question, citizen Teodoro Gonzalez is declared to be the legitimate owner of the said Punta del Monte de la

Soledad or Rincon de la Punta, subject to the approval of the most excellent Deputation and the party interested, delivering up (ersibiendo) the title which he obtained for the Cañada de los Laureles, and abiding by the conditions which may be stipulated. Señor Don Nicolas Gutierrez, commandant general, lieutenant colonel of permanent cavalry, and superior political chief of Upper California, did thus command, decree, and sign; whereof I give testimony. Fees twelve dollars.

NICOLAS GUTIERREZ,
In the absence of the secretary, Man'l M'a Gonzalez.

Monterey, 22d of May, eighteen hundred and forty. On being reported to the most excellent Departmental junta, it was decreed, in the ordinary session of to-day, that it be submitted to the joint committee of agriculture and commerce.

JOSE Z. FERNANDEZ,
Secretary.

Most Excellent Sir: The committee of agriculture, charged with giving an opinion respecting the espediente carried on by Don Teodoro Gonzalez in order to obtain the grant of the place called Rincon de la Punta del Monte, having seen the proceedings had and the very favorable report which gave cause to the grant of the said land made by Don Nicolas Gutierrez, superior political chief ad interim of this Department, in favor of the petitioner, submits to the deliberation of your excellency the following articles:

Article 1st. The grant made by Don Nicolas Gutierrez in favor of Don Teodoro Gonzalez of the land called Rincon de la Punta del Monte is approved.

Article 2d. The present espediente shall be returned to the Departmental government for the necessary ends. Monterey, May twenty-fifth, eighteen hundred and forty.

JOSE RAFAEL GONZALEZ.

SANTIAGO ARGNELLO.

Monterey, 26th of May, eighteen hundred and forty. In to-day's session, the most excellent Departmental junta approved the two articles with which the foregoing opinion concludes.

MANUEL JIMENO,
President.

JOSE Z. FERNANDEZ,
Secretary.

The undersigned, secretary to the Departmental government of the Californias, do certify that the [gov't secy's seal] foregoing testimonial is copied literally from the original espediente, on file in the secretary's office, under my charge, at the request of the party interested, Don Teodoro Gonzales. The original title was

taken out, and accompanies this testimonial. It (the testimonial) consists of fourteen folios—the first, second, and twelfth, and thirteenth on sealed paper of the first class, and the remainder on sealed paper of the fourth class. And in order that it may produce the effects which may be required, I give the present. *Sign*signed with my hand and sealed with the seal of the said secretary's office, on the fourth of June, eighteen hundred and forty.

(Signed) MANUEL JIMENO.

Seal of the first class, six dollars.

Authorized provisionally by the administration of the maritime custom-house of Monterey, of Upper California, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

(Signed) FIGUEROA.

(Signed) A. RAMIREZ.

Made valid for the years 1836 and 1837.

(Signed) GUTIERREZ.

(Sg'd) A. RAMIREZ.

Nicholas Gutierrez, lieutenant colonel of permanent cavalry, commandant general, inspector, and political chief ad interim of Upper California:

Whereas citizen Teodoro Gonzales, a Mexican by birth, has solicited, for his personal benefit and that of his family, the land described in the plot which accompanies the espediente, known by the name of Punta del Monte de la Soledad—the necessary steps and investigations having been taken and made in conformity with laws and regulations on the subject—I have, by virtue of the powers conferred upon me, in the name of the Mexican nation, granted unto him, by decree of this date, the land mentioned, declaring unto him the ownership thereof by these present letters, subject to the approval of the most excellent deputation, and under the following conditions:

1st. He shall abide by the conditions which may be established by the regulations which are to be formed for the distribution of vacant lands; and in the meantime neither the grantee nor his heirs shall divide nor alienate the land granted to them, impose ground rent, entail, reversion, or any other burden, although it may be for pious purposes, nor transfer it in mortmain.

2d. He may fence it in without prejudice to the crossings, roads, and privileges, destining it to the use and cultivation which may best suit him, but within one year at furthest he shall build a house, and it must be occupied and inhabited.

3d. He shall request the respective justice to give him juridical possession, in virtue of this title. Said justice will designate the boundaries, at the limits whereof he shall, besides placing the landmarks, plant some fruit trees or wild ones of some utility.

4th. The land whereof donation is made, consists of four square leagues, (sitios de ganado mayor,) as appears by the plot which accompanies the espedient. The justice who gives possession, will cause it to be measured according to law, leaving the surplus which may result to the nation for the necessary uses.

5th. If he transgress these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command that these presents, serving him for a title, and being held, as valid a record thereof be made in the proper book, and this be delivered to the party interested for his security and further ends. Monterey, on the 20th September, 1830.

Fees $20.

(Signed) NICOLAS GUTIERREZ.

(Signed) MANUEL M'A GONZALEZ.

Recorded at folio 17 of the respective book, on file at the office under my charge. Fees $10.

Monterey, September 20th, 1830.

(Signed) GONZALEZ.

I, the undersigned, do hereby certify the foregoing eleven pages to contain a true and faithful translation of the original testimonial of the espediente of Don Teodoro Gonzalez, respecting his petition for the Rancho of the Punta del Monte de la Soledad, alias Rincon de la Punta del Monte, and of the original title to said land.

Monterey, 12th October, 1852.

W. E. P. HARTNELL,
State Translator.

Seal of the third class, two rials.

Authorized provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias, for the year eighteen hundred and forty, and eighteen hundred and forty-one.

(Signed) JEMINO.

(Sg'd) ANTONIO M'A OSIO.

Made valid for the years 1842 and 1843.

(Sg'd) ALVARADO.

(Sg'd) ANTONIO M'A OSIO.

Most Excellent Governor: Teodoro Gonzalez, before the goodness of your excellency, makes known that he, being the possessor of the land known by the name of Rincon y Punta del Monte de la Soledad, which the government of this Department granted to him in conformity with the title which he obtained, and it not being to his interest to abide by the conditions mentioned in the first clause of said title, he requests that your excellency would be pleased to

declare that he has the free and exclusive use and power to dispose, as owner of said land, without the obligation of observing said clause.

He therefore requests that your excellency would be pleased to decree in conformity, whereby he will receive a great favor.

Monterey, October 6th, 1842.

(Sg'd) TEODORO GONZALEZ.

Marginal decree.

MONTEREY, *October 6th*, 1842.

In conformity with the petition of the party interested, he is, by these presents, exempt from the obligation imposed upon him in the first clause of the title of concession given by government to the land mentioned.

(Signed) ALVARADO.

I, the undersigned, do hereby certify the foregoing to be a true and faithful translation of the original.

Monterey, 12th October, 1852.

W. E. P. HARTNELL,
State Translator.

Filed in office Dec. 28th, 1852.

GEO. FISHER, *Sec'y.*

Testimonio del Espediente y titulo original del rancho nombrado Rincon de la Punta del Monte de la Soledad, constante de cuatro sitios de ganado mayor, propio de D. Teodoro Gonzalez, vecino del puerto de Monterey, año de 1840.

[Document No. 1.]

Sello 1o. Seis pesos.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, para los años de 1839 y 1840.

ALVARADO. [SEAL.]

ANTONIO M'A OSIO.

S'or Gefe Superior Politico: Teodoro Gonzalez, vecino de este puerto y Mejicano por nacimiento, con el debido respecto ande V. S. digo: q'e á consecuencia de hallarme establecido en esta poblacion casado y con algunos bienes de campo; solicité, q'e me concedio el parage nombrado Los Laureles sito en la costa de *de* Carmelo, para pastorear mi ganado y dedicarseme á mi antigua profecion de agricultura, pero desgraciadam'te la esterilidad del terreno, q'e occura de sus pastos, mi ponen en el preciso caso de solecitar otro terreno mas aproposito á mi egercicio y granfiera renunciado en caso se me entregue el que poseo en la actualidad por los desmejoras y daños q'e en el sufren mis ganados y siembras. Con este

fundamento, que podaré en caso que se me ecsiga, pido á V. S. q'e previos los informes y pruebas y as que tengo á bien, se sirva adjudicarme en absoluta propiedad el paragé llamado Rincon de la Punta del Monte habitado entre la micion de la Soledad y el rancho de los Sanjones, colindante con el Rio de Monterey, cuyo terreno aunque esta concedida en parte á Felipe á Aguila no hobtenido la correspondiente confirmacion de la E. Diputacion ni por consigniente se le ha despejado el titulo oportuno. Como me consta por ciencia propia, q'e Felipe Aguila no tiene bienes conocidas ni posibilidad de tenerlos por su conducta dejado, q'e lo tiene reducido á la clase de simple jornalero y q'e por otra parte no tiene mugeres, ni hijas, no creo objecion á solicitar se me prefiera concediendome el espresado terreno, q'e el ha obtenido subrepticam'te como estoi pronto a justificar por los testigos idoneos gubernativa o judicialm'te segun se me prerruga y al tenor de esta solicitud por lo que. A. V. S. Suplico q'e oyendo sobre ella el dictamen de la E. Diputacion, se sirva darle curso, admitir la provea q'e ofrezo y preferia me concediendome el indicado terreno cuya longitud N. S. es de tres y medio leguas y su anchura de dos como se ve en el adyunto diseño y mandarle me espedio el titulo de propiedad como gracia q'e pido á V. S. en Monterey, á ocho de Setiembre, de mil ochocientos treinta y seis.

TEODORO GONZALEZ.

Monterey, Setiembre nueve, de mil ochocientos treinta y seis. De conformedad con las leyes y reglamentos de la materia informe el ayuntamiento de esta vecinedad si el interesado en esta instancia obtiene los requisitos para ser atendido en su solecitud: si el terreno que pretende es comprendido en las veinte leguas limitrofes o diez litorales q'e espresa la ley de 18 de Agosto, de 1824; si es de regadio temporal ó abrevadero; si pertenece á la propiedad de algun particular micion, corporacion, o pueblo con todo lo demas que crea conducente, para illustrar la materia. Evacuado q. sea pasará este espediente al administrador de la Soledad para q'e esponga lo q'e occura sobre el particular. El S'or D. Nicolas Gutierrez, teniente coronel, comandante general, inspector, y gefe superior politico int'o del este territorio, asi lo mando, decreto, firmo; de que doy feé.

NICOLAS GUTIERREZ,
Por ausencia del secretario, Mariano Bonella.

Monterey, Setiembre diez, de mil ochocientos treinta y seis. En secion de esta dia, se mando pasar á la comicion de terrenos baldios por el I. ayuntam'to.

ESTRADO.

JOSE M'A MALDONADO, *S'rio.*

I. A.: La comicion de colonization á quien se pasó la solicitud,

que hizo al S'or gefe politico al C. Teodoro Gonzalez sobre que se le conceda el parage nombrado Rincon del Monte ha tornado los informes q'e han creido necesarios y de ella resulta q'e Felipe Aguila lo tiene solecitado con autoridad, pero q'e este individuo carece de bienes con q'e poblarlo con arreglo á lo provenido en la ley de la materia y q'e por lo mismo esta en las facultades del S'or gefe politico des eyar lo, no habiendo relacion de la comicion del C. Vicente Felipe por la espresada renuncia q'e hace de los chupaderos, q'e pertenecen al terreno en question, como se ve en la foja cuarta frente de este espediente q'e teniendo el C. Teodoro Gonzales los requisitos prevenidos por ser atendido en su solecitud, puede concederle en su solicitud en virtud de darlo por denunciado.

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el Departamento de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

Al s'or gefe politico en cuya virtud la comicion concluye sujetando á la deliberacion de esta I. corporacion la proposicion signiente. Puede conceder al C. Teodoro Gonzalez el parage nombrado Rincon del Monte, q'e solecita en razon, de no tener bienes con que poblar el C. Felix Aguila que lo tiene solecitado con autoridad y entendible á los Chupaderos q'e renuncio el C. Vicente Felipe. Monterey, Setiembre diez y siete, de mil ochocientos treinta y seis.

BONIFACIO DE MONDARIAGA.

SANTIAGO WATSON.

Monterey, Setiembre diez y siete, de mil ochocientos treinta y seis. En secion de este dia se dio cuenta con el antecedente dictamen y se aprobó la propocicion en q'e concluye la comicion dandolo, servia de informe al S'or gefe superior politico y á q'e pase el espediente al mayordomo de la Soledad.

JOSE R. ESTRADA.

JOSE M'A MALDONADO.

San Carlos, veinte de Setiembre, de mil ochocientos treinta y seis. El terreno llamado el Rincon de esta micion no lo ocupa por no tener con q'e fomentarlo esta comprendido en las diez leguas litorales y no en las veinte limitrofes q'e espresa la ley es de temporal y se le puede adjudicarse al interesado, quedando el q'e posee á beneficio de la micion. 2.

F. M'A DEL B. DEL REAL.

Señor Gefe Superior Politico: Vicente Felix vecino de la jurisdicion del puerto de Monterey, ante la notoria justificacion de V. S.

como mas haga lugar en derecho se presente y dice, q'e no teniendo á la vez bienes con q'e poblar el parage

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANT'O M'A OSIO.

Nombrado los Chupaderos de la Soledad, que pidio el año pasado desiste del pedim'to dejando libre la pretension, que haga de el quien sea capaz de fomentarlo. P'l á V. S. pide y suplica lo tenga por presentado y lo de por desistido de su pertension en lo que recibire gracia y justicia, jurando lo necesario. Monterey, Setiembre siete, de mil ochocientos treinta y seis.

VICENTE FELIS.

Monterey, Setiembre veinte, de 1836. Pasé al señor alcalde primero de esta capital ante quien la parte del C. Teodoro Gonzalez producira una informacion de tres testigos idoneos q'e seran interrogados sobre los puntos signientes: Primero, si el interesado es ciudadano Mejicano por nacimiento, si es casado, si tiene hijos, si es de buena conducta. Segundo, si el terreno que pretende, pertenece algun particular micion o pueblo, si es de regadio temporal abrevadero y la estencion q'e tenga. Tercero, si tiene bienes de campo con q'e poblarlo o posibilidad de adquerirlos. Evacuadas estas diligencias vuelva el espediente para su resolucion. El C. D. Nicolas Gutierrez, comandante general y gefe politico del Territorio, lo mando, decreto, y firmo ; con los de mi asistencia.

NICOLAS GUTIERREZ.

Monterey, Setiembre, de mil ochocientos treinta y seis. Notifique al C. Teodoro Gonzalez presente los testigos con q'e se han de examinar bajo los puntos q'e se contrae el sup'or decreto q'e antecede, recibiré la informacion en f'ha, vuelva el esped'te al S'or gefe politico p'a su sup'or resolucion. Asi yo el alcalde constitutional de la demarcacion de esta municipalidad lo decreté, mandó, y firmé ; con testigos.

JOSE R. ESTRADA.

De acistencia, JOSE M'A MALDONADO.
De assa, MANUEL CRESPO.
Derechos cuatro pesos.

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la administracion de la aduana maritima del puerto de Monterey, en el Departam'to de las Cali-

fornias, p'a los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

En la misma fecha se notificó el auto., q'e antecede al C. Teodoro Gonzales y de el entendido digo; lo oye y q'e presenta por los testigos á los ciudadanas José Maria Ramirez, Juan Malarin, y Simeon Castro, y lo firmo conmigo y los de mi acistencia.

JOSE R. ESTRADA.

De acistencia, JOSE MARIA MALDONADO.
De acistencia, MANUEL CERPO.

En la misma fecha presente el C. José Maria Ramirez, testigos presentados por el intersado se le recibio juramento, que higo en forma de derecho, bajo el cual ofrecio decir verdad con lo q'e supiere, y fuese preguntado y siendolo p'r su nombre, estado, edad y vecinedad digo: se llama como queda referido, q'e es casado de cuarenta y dos años, y vecino de este puerto. Preguntado, al tenor del interrogatorio, que se advierte en el superior decreto de este dia dego, á lo primero; que es el q'e solecita es ciudadano Mejicano p'r nacim'to; que es casadro no tiene hijos y se politius; y es de buena conducta y digo; ó lo segundo, q'e el terreno, q'e se pretende no sabe si pertenece á aiguna persona, micion, ni pueblo; q'e es de temporal ó abrevadero, y q'e su estension es de tres leguas poco mas ó menos de largo y de dos de austro, y responde el terreno en ambos casos del contenido de la pregunto tiene, el interesado y q'e lo he dicho es la verdad á cargo del juramento q'e tiene hecho, en el q'e se aformo y ratifico.

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

Leido q'e le fue su declaracion y lo firmo conmigo y los de mi acistencia.

JOSE R. ESTRADA,
JOSE M'A RAMIREZ.

De asta., JOSE M'A MALDONADO,
De asta., MANUEL CRESPO.

En la misma fecha, presente el segundo testigo de esta actuacion, se le recibio juramento en forma bajo lo cual ofrecio decir verdad en lo q'e supiere y fuese preguntado, y siendo lo por su nombre, edad, estado, y vecinidad, digo: se llama Juan Malarin, que es

casado, de cuarenta y cinco años, y vecino de esta municipalidad. Preguntado por el mismo orden, que le fué el anterior, digo: á lo primero, q'e es ciudadano Mejicano p'r nacimiento, es q'e casado, no tiene hijos y su conducta buena y responde; a lo segundo, que ignora el convenido de la pregunta en cuanto si pertenece á algun particular micion o pueblo; pues se lo sabe, lo tiene solecitado Felipe Aguila; que es de temporal y abrevadero y su estension de mas de un sitio de ganado mayor y contesta. A lo tercero, q'e tiene bienes con q'e poblar lo que lo hé dicho es la verdad á cargo del juramento q'e tiene hecho en lo q'e se afirmo y ratifico leida q'e le fue su declaracion y lo firmó conmigo y los de mi acistencia.

JOSE R. ESTRADA,
JUAN MALARIN.

De asta., JOSE M'A MALDONADO,
De asta., MANUEL CRESPO.

In continente presente el tercero testigo yo el referido alcalde lo recibi juram'to q'e hizo en forma de derecho, bajo el cual ofrecio en lo q'e supiere y fuere preguntado y siendo lo por su nombre estado edad y recinedad digo, llamase Simeon Castro, q'e es casado de cincuenta y dos años y vecino.

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarento y uno.

ALVARADO.

ANTONIO M'A OSIO.

De esta ciudad, de cincuenta y dos años. Preguntado por el tenor, en q'e lo fueron los dos anteriores testigos digo: a lo primero, q'e el q'e solicita es ciudadano Mejicano p'r nacim'to, que es casado, q'e no tiene hijos y es de buena conducta q'e responde; a lo 2o, q'e el terreno q'e pretende el C. Gonzales no sabe á quien pertenece mas q'e lo solecito el ciud'o Felipe Aguila, q'e es de temporal y abrevadero, q'e tiene bienes de campo con q'e poblarlo y q'e lo he decho es verdad en lo q'e se afirmo y ratifico leida q'e le fue su declaracion y lo firmo conmigo y los de acistencia.

JOSE R. ESTRADA,
SIMEON CASTRO.

De acistencia, JOSE MARIA MALDONADO,
De acistencia, MAN'L CRESPO.

Concluido la informacion, q'e se mando en acto de este dia se devnelva este espediente al S'or gefé politico en ocho fojas utiles; y para constancia lo anotó y rubrico, una rubrica.

Monterey, Setiembre veinte, de mil ochocientos treinta y seis.

Vista la peticion con q'e da principio este espediente el informe de la autoridad municipal lo del R. P. Ministro de la micion de S'n Carlos, la informacion de testigos con todo lo demas, q'e se tubo presente y ver convino, de conformidad con las leyes y reglamentos de la materia y estendiendo tambien á la denuncia y fundamentos de ella para solicitar al terreno de q'e se trata se declara al ciudadano Teodoro Gonzales dueño en propriedad del terreno nombrado Punta del Monte

Sello cuarto, una cuartilla.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

de la Soledad ó Rincon de la Punta, dejando á salvo la aprobacion de la Ex'ma Diputacion y escubiendo el interesado el titulo del q'e obtenia nombrado Cañada de Los Laureles, sujetandose á las condiciones q'e se estipularen. El Señor D. Nicolas Gutierrez, general y gefé superior politico de la Alta California, asi lo mando, decreto, y firmo, de que doy feé.

Derecho doze pesos.

NICOLAS GUTIERREZ,
Por aus'a del secretario Man'l Maria Gonzalez.

Monterey, veinte y dos de Mayo, de mil ochocientos cuarenta. Dado cuenta en la Ex'ma Junta Departamental, acordo en secion ordinaria de hoy y pasé a las comiciones unidas de agricultura y comercio.

JOSE Z. FERNANDEZ,
Secretario.

Ex'mo Sor: La comicion de encargada de dictaminar sobre el espediente jirado p'r D. Teodoro Gonzalez, sobre qe se le conceda el parage nombrado Rincon de la Punta del Monte, vistos los tramites coridos y los muy favorable informes los q'e dieron lugar á la concecion del solecitado terreno hecha p'r el Señor D. Nicolas Gutierrez, gefé superior politico int'o del Departamento y en favor del solecitante, la comicion pone la á la deliberacion de V. E. los articulos signientes: Art. 1o, se aprueba la concecion del terreno Rincon de la Punta del monte hecho por

Sello cuarto, una Cuartilla.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANT'O M'A OSIO.

el S'or D. Nicolas Gutierrez en favor del C. D. Teodoro Gonzalez. Art. 2o, El presente espediente pasara el gobierno Departamental para los fines convenientes. Monterey, Mayo veinte y cinco, de mil ochocientos cuarenta.

JOSE RAFAEL GONZALES.

SANTIAGO ARGUELLO.

Monterey, veinte y seis de Mayo, de mil ochocientos cuarenta. En secion de este dia se aprobo la Ex'ma Junta Departamental los dos articulos con q'e concluye el dictamen anterior.

MANUEL JIMENO.

JOSE Z. FERNANDEZ, *S'rio.*

(For map, see original, between pages 36 and 37.)

De acuerdo con mi esposa D'n Catalania Maureleni de Muerae y la de todos mis herederos le demas en marcomun á D'n Teodoro Gonzalez, un pedazo de terreno y de el q'e le campio el q'e forma á Francisco Soto el 11 de Marzo, de 1842, segun consta por el titulo; el que comencia desde la Punta del Monte de la Soledad, hasta la primera casa q'e fundo el q'e le hace en seavés y p'a q'e consta y le sea valedera la enunciada cesion y q'e lo puedo disfrutar pacificam'te sin q'e persona alguna se lo reclame en ningun tiempo lo otorgarán este documento en Monterey, á 31 de Mayo, de 1849. Siendo testigos Don Salvador Munrai, D. José Amati, y Don Rafael Sanchez. Esteban Munras, Catalina Maurai et de Munras.

SALVARADOR MANRAS,
JOSE DE ARRATI,
RAFAEL SANCHEZ.

Sello cuarto, una cuartilla.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

Sello primero, (seal.) Seis pesos.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, en el Departamento de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

FIGUEROA.

A. RAMIREZ.

Nicolas Gutierrez, teniente coronel de caballeria, comand'te g'ral, e inspector, y gefe politico int'o de la Alta California.

Por cuanto el ciudadano Teodoro Gonzalez, Mejicano p'r nacim'to

ha pretendido para su beneficio personal y el de su familia el terreno q'e indica el diseño q'e obra en el espediente, conocido con el nombre del Rincon de la Punta del Monte de la Soledad, practicadas previam'te las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia, en decreto de este dia, usando de las facultades q'e me son conferidas y á nombre de la nacion Mejicana he venido en concederle el terreno por las presentes letras, á reserva de la aprobacion de la E. Diputation, bajo las condiciones signientes.

1o. Q'e se someterá ó las q'e estableciere el reglamento q'e se ha de formar p'r la distribucion de terrenos baldios y q'e entre tanto ni el agraciado ni sus herederos podran dividir ni enagenar el q'e se les adjudica, imponer censo, vinculo, fianza ni otro gravamen aunque sea p'r causa piadosá, ni pasarlo en manos muertas.

2o. Podra cercarlo sin perjudicar las travesias caminos y servidumbres; destinandolo al uso o cultivo q'e mas le acomode, pero dentro de un año á lo mas fabricará casa y estará habitada.

3o. Solicitará del juez respectivo q'e le de la pocecion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites se pondran á mas de las mohoneras algunos arboles frutales o silvestres de alguna utilidad.

4o. El terreno de q'e se hace donacion es de cuatro citios de ganado mayor segun esplica el diceño q'e corre en el espediente. El juez q'e diere la pocecion lo hará medir, conforme á ordenanza, quedando el sobrante q'e resulte á la nacion para los usas convenientes.

5o. Si contraviniere á estas condiciones, perdera el derecho al terreno y sera denunciable por otro.

En consecuencia mando q'e serviendole de titulo el presente y entendiendose por firme y valedero se tome razon on el libro á q'e corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a 20 de Septiembre, de 1836.

NICOLAS GUTIERREZ.

MARIA M'A GONZALES.

Queda tomada razon á fogas 17 del libro respectivo, q'e obra en esta oficina y que es de mi cargo. Monterey, Sep'e 20, de 1836.

GONZALES.

D'ros 10 p's.

Sello cuarto, una cuartilla.

Habilitado provicionalmente por la aduana maritime del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ALVARADO.

ANTONIO M'A OSIO.

Infrascrito secretario del despacho del gobierno Departam'tal de las Californias: Certifico q'e el testimonio q'e antecede es sacado á la letra del espediente original que obra en la secretaria de mi cargo. Sacose y corre agregado á este testimonio el titulo original p'r pedimento de la parte D'n Teodoro Gonzales; consta de catorce fojas: la primera, segunda, duodecina, y trecenia del sello primero y los restantes del cuarto; y p'a q'e obre los efectos q'e puedan convenir doy la presente, firmando de mi mano y sellado con el de la espresada secretaria á cuatro de Junio, de mil ochocientos cuarenta.

MAN'L JIMENO.

Sello tercero, dos reales.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

JIMENO.

ANTONIO M'A OSIO.

Revalidado p'a los años de 1842 y 1843.

ALVARADO.

ANTONIO M'A OSIO.

MONTEREY, *Oct.* 6, *de* 1842.

De conformidad con to que pide esta parte p'r el presente quanto en auto de las obligaciones en q'e lo pone la primera clausula dado p'r el gob'no sobre el terminio q'e mencione.

ALVARADO.

Ex'mo S'or Gobernador:

Teodoro Gonzales ante la bondad de V. S. con el debido respeto hago presente q'e siendo posedor del terreno conocido con el nombre del Rincon y Punto del Monte de la Soledad q'e el gobierno de este Depart'o me concedio segun el titulo q'e obtengo y combeniendome mostrar sujeto á las condiciones q'e existen en la primera clausula de mi d'ho titulo á V. E. suplico se sirva declararme q'e estoy con el libro y respectivo uso y poder p'a disponer como dueño, del mencionado terreno sin la obligacion á la observancia de la repetida clausula. P. lo V. S. E. suplico proveer de conformidad en lo q'e recibiré gracia y merced.

Monterey, Oitubre 6, de 1842.

TEODORO GONZALES.

Sello terceo, dos reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

JIMENO.

ANTONIO M'A OSIO.

Revalidado p'a los años de 1842 y 1843.

ALVARADO.

ANTONIO M'A OSIO.

Filed in office Dec. 30th, 1852.

GEO. FISHER, *Sec'y.*

MONTEREY, 1840.

Pocecion del rancho nombrado el Rincon de la Punta del Monte al ciud'o Teodoro Gonzales el dia once de Diciembre, de mil ochocientos cuarenta.

Sello tercero, dos reales.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, en el Departam'to de las Californias, p'a los años de mil ochocientos cuarenta, y mil ochocientos cuarenta y uno.

XIMENO.

ANTONIO M'A OSIO.

Teodoro Gonzales, C. Mejicano ante V. E. como mejor haya lugar en d'ro dice q'e habiendo obtenido la concecion propia del terreno del conocido con el nombre de Rincon de la Punta del Monte de la Soledad ocurre ante V. p'a q'e en vertud de estas aprobado por la E. Junta Departamental d'ho terreno se sirva darla pocecion juridica conforme esta prevenido en el articulo tercero de cuyo titulo que se les espedio con f'ha. Veinte de Sep'bre, de mil ochocientos treinta y seis, q'e debidamente acompaño ignalmente la confirmacion respectiva qi'a que sobre en los efectos deseados. P. la V. S. suplico se sirva ponerlo en la pocecion q'e solecita de lo que recibirá merced y justicia.

MONTEREY, *Diciembre* 7, *de* 1840.

Por presentado y admitido procedase por mi el presente juez de paz á la medicion, señalam'to de linderos y pocecion judicial q'e solecita el interesado en esta instancia. Señalandose p'a efectuar lo el dia onze del presente año p'a lo que se citaron con boleta de comparendo á los colindantes. Asi yo el juez de paz constitucional lo decreté, mandé, y firme; con los de mi asistencia.

DAVID SPENCE,
Por aus'a, Guillermo Flores.

MAN'L CASTRO.

En la presente f'ha el C. Teodoro Gonzalez se les notifico el auto q'e antecede y q'e entendido digo lo oye y que se de por citado firmando, con los de mi acistencia.

SPENCE,
GUILL'O SHORES.

Ass'a, MANUEL CASTRO.

Habilitado provicionalm'te por la aduana maritima del puerto de Monterey, en el Departm'to de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarento y uno.

XIMENO.

ANT'O MARIA OSIO.

En la misma f'ha se libraron las boletas q'e se mandan en el anteced'te auto y para constancia lo anotó y rubrico. V. S.

En el rancho del Rincon de la Punta de la Soledad ó 11 de Diciembre, de 1840. Presente los ciudadanos colindantes, D'n Juan Malvin, D'n Gabriel de la Torre, y D'n Francisco Soto nombré por medidores a los C. C. Seferino Gabue o Ygnacio Arroyo p'r las medidas, señalamiento de linderos y pocecion del S'or Teodoro Gonzales quienes previa la aceptacion y juramento procederan al desempeño de su encargo. Asi yo el juez de paz constitucional de esta demarcacion lo decreté, mandé, y firmé; con los de assa.

DAVID SPENCE,
GAB. TORRE.

MAN'L CASTRO.

En la misme f'ha presentes los C. C. Seferino Gabuco y Ignacio Arroyo se les notifico el auto antecedente de su nombramiente y de el entendidos digeron, lo oyen y aceptaban y aceptaran jurando por dios nuestro S'or y le señal de la cruz conforme á derecho de usarlo fiel y legalmente á todo su leal saber y entender sin fraude contra persona alguna y lo firmaron, conmigo y los de mi acistencia.

SPENCE.
G'O TORRE.

MANUEL CASTRO.

Incontinento yo el referido alcalde mandé traer el cordel con q'e se habian de medir las tierras q'e las espresados medidores lo tomaron y ante mi con una vara de medir usual Mejicana median cincuenta varas p'a hacer la medida y lo firmo con los de mi acist'a.

Sello tercero, dos reales.

Habilitado provicionalmente p'r la aduana maritima del puerto de Monterey, en el Depart'o de las Californias, p'a los años de mil ochocientos y mil ochocientos cuarenta y uno.

XIMENO.

MARIA ANT'O OSIO.

En el mismo parage, dia mes y año siendolo las nueve del dia. Yo el presente juez de paz constitucional de esta jurisdiccion mandé á las medidores nombrados se dispensaron para la medicion de tierras q'e se le habia de hacer al C. Teodoro Gonzales y puestos en el encino que se le ha entre las das casas N. N. cuarto al N. E. medi-

eron hasta el sauco q'e se halla en la boca de la cañada ciento ochenta y dos cordeles de a cincuenta varas, y desde el mismo sauco hasta el llano, q'e hace el mismo nombrado se medieron cuarenta cordeles quedando d'ho cañada lindero con D'n Juan Mandanes y p'a el. Este cuarta al S. E. hasta los linderos de D'n Fran'co Soto se midieron ciento y cuatro cordeles y desde los tres alisos en la boca de la cañada p'a adentro se midieron cuarenta y ocho cordeles y q'e afuera hasta la Punta del Monte. Oeste cuarta al S. O. se midieron treinta y ocho cordeles y desde alli al encino adonde empesaron este cuarto al S. E. se midieron y formaron las mohoneras correspondientes, del que señalan los linderos q'e le pertenecen. El terreno medido corresponde á cuatro citios de ganado mayor y lo firmarán conmigo y los de mi acistencia.

DAN'L SPENCE,
G. DE LA TORRE,
JUAN MALDONADO,
TEODORO GONZALES.

G'o Shore,
M'l Castro.

En el rancho el Rincon del Punto del Monte de la Soledad á las onze dia del mes de Diciembre, de mil ochocientos cuarenta yo juez de paz de Monterey y su jurisdicion, despues de praticadas las medidas del mencionado terreno, por lo q'e resulto cuatro citios de ganado mayor y presentes los colindantes D'n Juan Malarin, D'n Gabriel de la Torre, D'n Francisco Soto, siendo estos conforme.

Sello tercero, dos reales.

Habilitado provicionalm'te por la aduana maritima del puerto de Monterey p'a los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

XIMENO.

Ant'o M'a Osio.

Con lo demas de autos, mande q'e entrae en pocecion del mencionado rancho el C. Teodoro Gonzales, bajo las medidas citadas y formalidades acostumbradas en estos casas, lo q'e verificó inmediatamente, aranco yerbas y hacia demonstraciones como diceño de terreno, de q'e se le ha dado juridica pocecion. La revalidacion lo autorizo, firmando con los colindantes interesados y acistencia.

DAVID SPENCE,
G. DE LA TORRE,
JUAN MALARIN,
TEODORO GONZALES.

J'n de la Torre,
Man'l Castro.

Monterey, 14 de D'e, de 1840. Tomese razon en el libro re-

spectivo y devuelvase este espediente original al interesado para los fines, q'e mas le convengan. Asi yo el juez de paz constitucional lo decreté, mandé, y firme con los de mi acistencia.

C. DAVID SPENCE,
G'L THORRE.

Asistencia, M'L CASTRO.

En la misma fecha se tomo razon de esta pocecion á fojas doce del libro respectivo y se le devolvio este espediente al ciud'o Teodoro Gonzales y para su constancia lo firmo y rubrico.

Sello cuarto, una cuartilla.

Habilitado provicionalm'te por la aduana maritima del puerto de Monterey, de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

CASTRO,
ANGEL RAMIREZ.

Muy Ill're Ayuntamiento: Teodoro Gonzalez, vecino de este puerto ante la notoria justificacion de V. S. comparece y dice q'e hallandose tenedor de algunos bienes y para la mejor seguridad de ellas, merecen estas marcados con la marca, que á la margin se demuestra, ocurro á las facultades de V. S. p'a q'e se digne registrar lo no habiendo obstaculo y lopiere se le dé el permiso necesario p'a q'e haga de ella el uso respectivo: por tanto a V. S. rendidamente suplico se sirva probar en obsequio del interesado de lo que recibirá gracia y merced. Monterey, 17 de Octubre, de 1835.

TEODORO GONZALES.

Por cuanto el Ill're Ayuntam'to, de esta capital el ciudadano Teodoro Gonzales vecino y resid'te de esta capital ha pretendido en solicitud de este dia, se le conceda usar el fierro y señal q'e se advierte al margin p'a herrar los ganados de su propiedad y usando de las facultades q'e se me le hé conferidas p'r acordo del E. Diputacion territorial, he venido en concederle al espresado Teodoro Gonzales el uso de fierro y señalradicado. Por tanto mando q'e tomaba razon de este titulo en el libro respectivo y se forme acierto de el y se entregne su solicitud con esté decrete al interesado p'a la debida constancia. Dado en Monterey á los diez y siete del mes de Oct'bre de mil ochocientos treinta y cinco.

D. SPENCE.

JOSE M'A MALDONADO, *S'rio.*

Registrado y pagado D. S. del d'ro municipal segun lo mandado en el art'o 4o, del plan de propios y aristres accordado p'r la E. Diputacion.

SPENCE.

Quedo tomada razon de este titulo á fojas 6, del libro de registras de fierros, q'e obra en el archivo de la secretaria de mi cargo. Monterey, Oct'bre 17, 1853.

JOSE M'A MALDONADO,
S'rio.

Sello cuarto, una cuartilla.

Habilitado provicionalm'te p'r la aduana maritima del puerto de Monterey, de la Alta California, p'a los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

The brand and eamark referred to in this written document have been this day recorded anew in my office.
Monterey, April 28th, 1851.

WM. P. JOHNSON,
Recorder Mont., Cal.

Sello tercero, dos reales.

Habilitado provicionalm'te p'r la aduana maritima del puerto de Monterey, p'a los años de mil ochocientos trienta y cuatro ochocientos mil treinto y cinco.
CASTRO. ANGEL RAMIREZ.

Filed in office, Dec. 20th, 1852.

GEO. FISHER, *Sec'y.*

[Translation of juridical possession.]

Translation of the possession of the rancho known by the name of Rincon de la Punta del Monte, to citizen Teodoro Gonzalez, given the 11th day of December, 1840.

Seal of the third class, two reals.

Authorized provisionally by the collector of the custom-house of Monterey, in the department of California, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

(Sg'd) ANTONIO M'A OSIO.

(Sg'd) JIMENO.

To the alcalde of Monterey:

Teodoro Gonzalez, a Mexican citizen, says, that having obtained the proper grant of the land known by the name of Rincon de la Punta del Monte de la Soledad, he request that, having been approved by the Departmental legislature, you would be pleased to give him juridical possession, in conformity with the requirements of the third article of the title to said land granted to him on the twentieth of September, A. D. eighteen hundred and thirty-six,

and which is duly accompanied, together with the respective approval, in order that the whole may produce the desired effect. Therefore I request that you would be pleased, the possession which I solicit, whereby I shall receive favor and justice. Monterey, Diciembre 7th, 1840.

(Sg d) TEODORO GONZALES.

MONTEREY, *7th of December*, 1840.

Considered as presented and admitted, and in virtue of that, I, the present judge, will proceed to the measurement, designation of boundaries, and juridical possession solicited by the party interested in this petition, fixing as the day for putting it into execution the eleventh day of the present month, in order of which the neighboring landholders shall be summoned. Thus I, the justice of the peace, did decree, command, and sign, with the assisting witnesses.

(Sg'd) DAVID SPENCE.

Signed wit., GUNECINDO FLORES.
Signed wit., MANUEL CASTRO.

In this date, C. Teodoro Gonzales was notified of the foregoing decree, and having understood, said that he heard it, and considered himself as summoned, signing it with me and the assisting witnesses.

(Sg'd) SPENCE.

Witness, GUMENCINDO FLORES.
Witness, MANUEL CASTRO.

On the same date, the summons ordered in the foregoing decree were disputed, and in testimony thereof, I note it down, and sign it with my scroll.

(Scroll.)

In the rancho of Rincon de la Punta del Monte de la Soledad, on the 11th day of December, 1840, being present the neighboring landholders, citizens Juan Malarin, Gabriel de la Torre, and Francisco Soto, I appointed as measurers, citizens Serafino Gavino and Ignacio Arroyo, for the measurement, designation of boundaries, and juridical possession of the land granted to C. Teodoro Gonzales. The said measurers, after accepting the appointment and taking oath, will proceed to comply with their commission. Thus I, the constitutional justice of the peace of this demarcation, did decree, command, and sign, with the assisting witnesses.

(Sg d) DAV. SPENCE.

Wit's, GUMECINDO FLORES.
Wit's, MANUEL CASTRO.

On the same date, the foregoing decree of appointment was notified to citizen Serafino Gavino and Ignacio Arroyo, who, having under-

stood it, said that they heard it and did accept it, and swore by the Lord our God and the sign of the cross, that they would exercise the functions of said appointment faithfully and legally, to the best of their knowledge and ability, without fraud towards any person, and they did not sign, because they said that they did not write, and I signed with the assisting witnesses.

(Sg'd) SPENCE.

(Wit.,) GUMERINDO FLORES.
(Wit.,) MANUEL CASTRO.

Immediately, in presence of me, the said alcalde, the said measurers took a hempen cord, and with a common Mexican vara-rod measured *of* fifty varas to mark the measurement with. In testimony whereof, I signed with the assisting witnesses.

(Sg'd) SPENCE.

On the same date and ranch, being at nine o'clock in the morning, I, the said constitutional justice of this jurisdiction, commanded the appointed measurers to get ready to measure the land granted to citizen Teodoro Gonzalez; and placing themselves in the oak tree situated between the two houses, the measurement was commenced, going E. by. N. E. towards the Sanco, situated at the entrance of the cañada, to where one hundred and eighty-two cords of fifty varas were counted; and from the said Sanco to the Alamo, following the same direction forty cords of fifty varas were counted, being the said cañada the boundering line with the land of D. Juan Malarin, and then running east by S. E. until the boundering line of the land of D. Francisco Soto, to where one hundred and forty cords of fifty varas were counted; and from the three alisos, situated at the entrance of the cañada going inside, forty-eight cords of fifty varas were counted; and running outside until the Punta del Monte, running W. by S. W., to where one hundred thirty-eight cords were counted; and from that place, running E. by S. E. until the oak tree, where the measurement was commenced, to where one hundred and twelve cords of fifty varas were counted; at which points I ordered the corresponding landmarks to be formed to mark the boundaries. The land measured is of four square leagues, and I signed with the neighboring land owners, the party interested, and the assisting witnesses.

(Sg'd) DAV. SPENCE,
GABRIEL DE LA TORRE,
JUAN MALARIN,
TEODORO GONZALEZ.

Wit's, GUMICINDO FLORES,
Wit's, MANUEL CASTRO.

On the rancho of the Rincon de la Punta del Monte de la Soledad, and on the eleventh of December, A. D. eighteen hundred and

forty, I, the said justice of Monterey and its jurisdiction, ordered *to* citizen Teodoro Gonzalez to take possession of the land measured under the said measurement, which he did in presence of the neighboring land owners, D. Juan Malarin, D. Gabriel de la Torre, and D. Francisco Soto, who agreed with the above proceedings, and the said Gonzalez tore up grass on the land, and made other demonstrations and acts of possession as owner of the land of which juridical possession was given to him, the validity of which I authorize—signing it with the neighboring land owners, the party interested, and the assisting witnesses.

(Sg'd.) DAVID SPENCE,
G. DE LA TORRE,
JUAN MALARIN,
TEODORO GONZALES.

Ass. wit's, GUMECINO FLORES.
Wit's., MAN'L CASTRO.

MONTEREY, 14*th Dec.*, 1840.

Let a record be made in the book of possession, and let this original espediente be returned to the party interested for further ends. Thus I, the justice of the peace, C. David Spence, did decree, command, and sign, with the assistant witnesses.

(Sg'd) SPENCE.

Ass. wit's, GUMECINDO FLORES.
Ass. wit's, MANUEL CASTRO.

On the same date, a record was made on the twelve folio of the book ordered in the foregoing decree, and the original espediente was returned to citizen Teodoro Gonzalez. In testimony whereof, I note it down, and sign with my scroll.

(Justice's scroll.)

Filed in office, Dec. 28th, 1852.

GEO. FISHER,
Sec'y.

[Opinion of the Board by Com'r R. Aug. Thompson.]

TEODORO GONZALEZ
vs.
The UNITED STATES. } Case No. 502.

Rincon de la Punta del Monte, in the county of Monterey.

The petition in this case presents a claim for a tract of land called Rincon de la Punta del Monte, situated in the present county of Monterey, containing seven leagues of land. It goes on, however, and describes the land by metes and bounds, as set out in the act of juridical possession, showing the quantity to be much less,

and the grant itself is for but four leagues. This case presents some peculiarities which it may be proper to notice. The original petition for the grant was made by the grantee and present claimant, Teodoro Gonzalez, on the 8th of September, 1836; and, after making the customary inquiries and investigations, a decree of concession was entered, and the grant or title in form was made out and signed by the Governor, Nicolas Gutierrez, and the Secretary, on the 20th September, 1836. No further step appears to have been taken in the matter, until the 22d day of May, 1840, on which the espediente was presented to the Departmental Junta for its approval, and on the 36th of the same month the grant was duly approved by that body. It also appears from a certificate of Man'l Jimeno, Secretary of the Departmental Government of the Californias, dated the 4th of June, 1840, that a complete copy of the whole espediente or record of proceedings in relation to the grant, including those of the Departmental Junta approving it, accompanied by the original title, were at that time taken out by the party interested. From this certificate, it seems that the grant, although duly executed by the Governor, and countersigned by the Secretary in 1836, was never delivered to the party until after the approval of the Departmental Junta in 1840. This circumstance becomes important from the fact, that the occupation and cultivation required by the Mexican colonization laws is only proven from that period. The grant contains the usual conditions requiring him to build a house within a year, which must be inhabited. As it is very clear that the grant would confer no legal rights upon the grantee, and he cannot be presumed to have known the conditions upon which it was made until it was delivered to him, it follows as a necessary consequence, that the year within which the performance of these conditions was required, must date from the period of delivery. This, the certificate of the Secretary, Jimeno, proves to have been on the 4th day of June, 1840. The deposition of José Abrego, taken on the 23d of March, 1853, proves that he has known the land claimed for the preceding twelve years, that during all of that period it had been in the exclusive occupation and possession of the claimant; that he had, during the same time, lived upon it, cultivated, and otherwise improved it, and had used it for grazing purposes. This evidence shows, according to the former decisions of the board, a substantial compliance with the times and conditions of the grant. With regard to the extent of the land claimed, there seems to be a singular discrepancy between the petition, the grant, and the act of juridical possession. The first sets out the claim as containing seven leagues of land, and then goes on and describes it by metes and bounds as set forth in the act of juridical possession, from which it would seem that the quantity actually measured off to the party was but about two leagues, while the grant itself is for four. This discrepancy, however, will present no obstacle to a confirmation within the boundaries described in the juridical possession, the

measurements showing that it does not exceed the quantity called for by the grant. The land claimed is described with sufficient accuracy to enable the surveyor to locate and identify it. There is a slight mistake made by the officer giving the possession, by running the course in the last call of the survey. This is a mistake frequently made by more skilful and experienced surveyors than those who usually acted in that capacity in making juridical measurements in California. It is, however, readily corrected by reference to the object called for, and the other lines of the survey. An original document in Spanish, dated Monterey, May 31, 1849, purporting to be an assignment or conveyance by Esteban Munros and wife to the claimant of a tract of land, extending from the Punta del Monte de la Soledad to the first house built by said Munros, and which he purchased in 1842 of Francisco Soto, is attached to the "testimonio" or certified copy of the original espediente, filed in this case. The genuineness of the signatures to this document has been proven, but no translation has been furnished, nor is there any evidence connecting it in any manner with the case. It has, therefore, not been considered as entitled to any weight in the examination of the claim. The petition sets forth a claim to a specific tract of land, which it defines by well described metes and bounds; to that tract of land so described, the evidence, in our opinion, shows that the claimant is entitled to a confirmation, and a decree will be entered accordingly.

Filed in office, Feb'y 7, 1854.

GEO. FISHER,
Secretary.

[Decree of confirmation.]

TEODORO GONZALES
vs.
THE UNITED STATES. } No. 502.

Rincon de la Punta del Monte, in the county of Monterey.

In this case, on hearing the proofs and allegations, it is adjudged by the commissioners that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is made, is known by the name of Rincon de la Punta del Monte, situated in the county of Monterey, being the same which has been held and occupied by the claimant from the year 1841 to the time of filing his petition before the Board, and is bounded as follows: Beginning at an oak tree situated between the two houses, and running E. by N. E. towards the "Sanco," one hundred and eighty-two cords of fifty varas each; and from said Sanco, situated at the entrance of the cañada, continuing the same course forty cords of fifty varas each, to the Alamo; thence E. by S. E., one hundred and four cords of fifty varas each,

to the boundary line of the land of Francisco Soto; thence from the three "alisos," situated at the entrance of the cañada, forty-eight cords of fifty varas inside of the same, and one hundred and thirty-eight outside, running W. by S. W. to the Punta del Monte; thence W. by N. W., one hundred and twelve cords of fifty varas each, to the oak tree, the point of beginning, the same being of the extent shown by the juridical measurement, to which, together with the original grant filed in the case, reference may be had for a more particular description.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Com'rs.

Filed in office Feb'y 7th, 1854.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing fifty-three pages, numbered from 1 to 53, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded, on file in this office in case No. 502 on the docket of the said board, wherein Teodoro Gonzalez is the claimant against the United States for the place known by the name of "Rincon de la Punta del Monte.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Fran-
[PRIV. SEAL.] cisco, California, this twenty-third day of September, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the District Court of the United States for the southern district of California, do hereby certify that the foregoing 54 pages, numbered from 1 to 54, both inclusive, contain a full, true, and correct copy of transcript No. 502, filed in this office, wherein Teodoro Gonzalez [is] appellee and the United States are appellants for "Rincon de la Puente del Monte."

In witness whereof, I have hereunto set my hand and affixed the [L. S.] seal of the said Court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

C. E. CARR, *Clk.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

TEODORO GONZALES, appellee, } Docket, No. 101.
vs.
The UNITED STATES, appellants. } Transcript, No. 502.

Be it remembered, that on the 30th day of September, A. D. 1854, in the District Court of the United States for the southern district of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Teodoro Gonzales is the claimant against the United States for the place named Rincon de la Puente del Monte, was received and filed and docketed with No. 101, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *Feb'y 27th*, 1855.

In case No. 101, Teodoro Gonzales for Rincon de la Puente del Monte, a notice of appeal from the Attorney General of the United States was filed.

(Vide page 3.)

LOS ANGELES, *Sept. 20th*, 1855.

In same case, the petition of the United States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Sept. 20th*, 1855.

In same case, the answer of Teodoro Gonzales was filed.

(Vide page 4.)

LOS ANGELES, *Sept. 25th*, 1855.

In same case, the opinion of the Court was delivered confirming the claim, and the following decree entered.

(Vide page 5.)

Los Angeles, *Oct. 18th*, 1855.

In same case, on motion of P. Ord, U. S. attorney, the following order of appeal was made and filed.

(Vide page 7.)

Office of the Attorney General of the United States,
Washington, 17th January, 1855.

Teodoro Gonzales
vs.
The United States. } 502.

[Notice of appeal.]

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings, in which was received in this office on the 13th day of September, 1854, the appeal in the District Court of the United States for the southern district of California, will be prosecuted by the United States.

(Sg'd) C. CUSHING,
Attorney General.

Filed Feb'y 27th, 1855.

C. E. CARR,
Cl'k.

In the District Court of the United States
For the Southern District of California.

Teodoro Gonzales
ads.
The United States. } No. 101. (Transcript, No. 502.)

[Petition for review.]

To the Hon'l. Isaak S. K. Ogier, judge.

The petition of Pacificus Ord, attorney of the U. States for the southern district of California, for and in behalf of the United States, respectfully represents: That on the 28th day of December, A. D. 1852, Teodoro Gonzales petitioned the board of U. States land commissioners, claiming seven square leagues of land, called Rincon de la Punta del Monte, in Monterey county, Cal. That on the 7th day of February, A. D. 1854, the said commissioners confirmed the said claim. That on the 30th of September, A. D. 1854, said commissioners caused a transcript of the proceedings and decision in said cause to be filed in the office of the clerk of this hon'ble Court. That thereafter, to wit, on or about the 27th day of February, A. D. 1855, the hon'ble C. Cushing, Attorney General

of the U. States, filed or caused to be filed a notice of intention of the U. States to prosecute the appeal in said cause. That on the 13th day of September, A. D. 1854, the said Attorney General received a certified transcript of the proceedings and decision of said board of commissioners in said cause. That the land claimed is in the southern district of California, and within the jurisdiction of this hon'ble Court. And the said United States denies generally that the said claimant has a valid title to said land. Wherefore this petition prays that the said decision of the said Commissioners may be reviewed, reversed, and set aside, and that this hon'ble Court will decree the said claim or title to be invalid, and general relief.

P. ORD,
Attorney of the United States for the Southern District of Cal.

Filed Sept. 20, 1855.

(S'gd) C. E. CARR, *Clk.*
By JOHN W. ROSS.

DISTRICT COURT OF THE UNITED STATES,
Southern District of California.

TEODORO GONZALES ads. THE UNITED STATES. } No. 101.

[Answer.]

Teodoro Gonzales, the claimant and appellee in the above entitled cause, in answer to the petition of review filed by the United States, herein avers that the title of said claimant to the tract of land claimed is valid.

He therefore prays that the Court may affirm the decision of the board of land commissioners, and decree the said title to be valid.

T. CLARKE,
Att'y for Claimant.

Filed Sept. 20th, 1855.

C. E. CARR, *Clk.*
By J. W. ROSS, *Dep.*

TEODORO GONZALES, appellee, ads. THE UNITED STATES, appellants. } No. 101. "Rincon de la Puentes."

DISTRICT COURT OF THE UNITED STATES
For the Southern District of California.

[Decree.]

This cause coming on to be heard on appeal from the final decision

of the commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved 3d of March, 1851, on the transcript of the proceedings and decisions, and the papers and evidence on which said decision was founded; and it appearing that said transcript was duly filed according to law, and counsel for both parties having been heard, it is ordered, adjudged, and decreed that the said decision be affirmed, and it is further ordered, adjudged, and decreed that the claim of the said Teodoro Gonzales is valid, and that the same is hereby confirmed to the tract of land known by the name of rancho Rincon de la Puente del Monte, being the same land which it is proved has been in possession of the said Teodoro Gonzales since 1841, and bounded as follows: Beginning at an oak tree situated between the two houses, and running east by northeast towards the sanca, one hundred and eighty-two cordel of fifty varas each; and from said sanco, situated at the entrance of the cañada, continuing the same course, forty cords of fifty varas each, to the "alamo;" thence east by southeast, one hundred and four cordel of fifty varas each, to the boundary line of the land of Francisco Soto; thence from the three alizos, situated at the entrance of the cañada, forty-eight cordels of fifty varas each inside of the same, and one hundred and thirty-eight outside, running west by southwest to the Puente del Monte; thence west and northwest, one hundred and twelve cordels of fifty varas each, to the oak tree, the place of beginning, the same being of the extent shown by the judicial measurement, to which and to the grant, copies of which is of file in this case, reference may be had for a more particular description.'

M. HALL McALLISTER,
Judge Circuit Court U. S.
for the Districts of California.

Filed Sept. 25th, 1855.

C. E. CARR, *Clk.*

IN THE UNITED STATES DISTRICT COURT
For the Southern District of California.

Special term, Los Angeles, Sept. , 1855.

TEODORO GONZALES, app.,
ads.
THE UNITED STATES, app't. } No. 101. Transcript, No. 502.

[Order of appeal.]

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the Court that an appeal be granted the United States to the Supreme Court of the United States from the judgment of the Court against the United States

in the above-entitled cause, rendered on or about the 25th day of September, A. D. 1855.

(Signed) P. ORD,
U. S. Dist. Att'y.

Filed Oct. 18th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Dep.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the District Court of the United States for the southern district of California, do hereby certify that the foregoing seven pages, numbered from 1 to 7, both inclusive, *to* contain a true, correct, and full transcript of the record of proceedings and of the decision of the said Court, of the documentary evidence, and of testimony of witnesses upon which the same is founded, on file in this office in case No. 101 on the docket of the said Court, wherein Teodoro Gonzales is appellee and the United States are appellants for "Rincon de la Puente del Monte.

In testimony whereof, I have hereunto set my hand, affixed the seal of said Court, at Los Angeles, California, this twentieth day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

[L. S.]

C. E. CARR, *Cl'k.*